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STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
 4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.P.B., *on behalf of himself and all
others similarly situated,*

Plaintiff,

v.

THERANOS, INC., and DOES 1
through 10, inclusive,

Defendants.

Case No. 4:16-cv-02810-YGR

**STIPULATION AND [PROPOSED]
ORDER CONSOLIDATING RELATED
CASES, ORDERING FILING OF A
CONSOLIDATED AMENDED
COMPLAINT, AND SETTING INITIAL
CASE SCHEDULE**

R.G., *on behalf of himself and all
others similarly situated,*

Plaintiff,

v.

THERANOS, INC., WALGREENS
BOOTS ALLIANCE, INC. and
DOES 1 through 10, inclusive,

Defendants.

Case No. 4:16-cv-02891-YGR

C.M. and S.G., *on behalf of themselves
and all others similarly situated,*

Plaintiffs,

v.

THERANOS, INC. and WALGREENS
BOOTS ALLIANCE, INC.,

Defendants.

Case No. 4:16-cv-03349-YGR

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

BRIAN MALTESE, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THERANOS, INC.

Defendant.

Case No. 4:16-cv-03418-YGR

BOBBIE BROWN, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THERANOS, INC.

Defendant.

Case No. 4:16-cv-03454-YGR

L.M., *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THERANOS, INC. and WALGREENS
BOOTS ALLIANCE, INC.,

Defendants.

Case No. 4:16-cv-3571-YGR

This stipulation is entered into by and among Plaintiffs M.P.B., R.G., C.M., S.G., Brian Maltese, Bobbie Brown, and L.M. and Defendants Theranos, Inc. (“Theranos”) and Walgreens Boots Alliance, Inc. (“Walgreens”), by and through their respective counsel.

WHEREAS, Plaintiffs filed the above actions between May 25, 2016 and June 24, 2016; and

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

1 WHEREAS, given the related nature of these cases, the parties are discussing proposals
2 for their coordination, as well as for the coordination of four similar pending putative class
3 actions in the District of Arizona; and
4

5 WHEREAS, all parties agree these cases are based on similar factual allegations and
6 legal claims, such that consolidation under Federal Rule of Civil Procedure 42(a) is
7 appropriate; and

8 WHEREAS, all parties agree that prosecution of Plaintiffs' claims will proceed most
9 efficiently with a single complaint; and
10

11 WHEREAS, Plaintiffs believe that Plaintiffs' counsel should be organized in a Court-
12 approved leadership structure, and counsel for all Plaintiffs are engaged in active discussions to
13 determine the best leadership structure for Plaintiffs and the proposed class members;

14 WHEREAS, the Court has set an Initial Case Management Conference pursuant to
15 Federal Rule of Civil Procedure 16(b); and

16 WHEREAS, all parties agree, and respectfully submit to the Court, that the Initial Case
17 Management Conference would be more useful and productive once a leadership structure for
18 Plaintiffs' counsel has been determined, and the Consolidated Amended Complaint has been
19 filed;
20

21 IT IS ACCORDINGLY STIPULATED, by and between undersigned counsel, that:

- 22 1. The lowest numbered case, Case No. 4:16-cv-02810, shall be restyled *In re Theranos,*
23 *Inc. Consumer Litigation* and serve as the lead case for filing purposes. The parties
24 shall file all documents in the docket of that case. Filed documents shall bear the
25 following caption:
26

27 **IN RE THERANOS, INC. CONSUMER LITIGATION**

Case No. 4:16-cv-02810-YGR

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STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

- 1 1. Within forty-five (45) days of the date of this Stipulation, Plaintiffs shall file either:
 - 2 a. a joint motion for appointment of Interim Class Counsel and a leadership
 - 3 structure under Fed. R. Civ. P. 23(g)(3), or
 - 4 b. if Plaintiffs are unable to agree on Interim Class Counsel and a leadership
 - 5 structure, individual Rule 23(g)(3) motions, such motions not to exceed five
 - 6 pages, excluding exhibits.
- 7 2. Plaintiffs shall file a Consolidated Amended Complaint within thirty days after the
- 8 Court appoints Interim Class Counsel.
- 9 3. Theranos and Walgreens shall answer or otherwise respond to the Consolidated
- 10 Amended Complaint no more than forty-five days after Plaintiffs file the
- 11 Consolidated Amended Complaint, and need not answer or respond to any earlier-
- 12 filed complaint in the consolidated cases.
- 13 4. The Initial Case Management Conference, which is currently set for September 26,
- 14 2016, would be more useful and productive if it were continued to a date after
- 15 Plaintiffs file a Consolidated Amended Complaint.
- 16 5. Any other actions asserting claims that are the same as or similar to the claims
- 17 asserted in the above-captioned cases, subsequently filed in, or transferred to, this
- 18 District shall be consolidated with this action for all purposes.
- 19 6. No portion of this stipulation may be used in any way in support of class certification.
- 20 7. This stipulation shall be without prejudice to the rights of any party to seek transfer to
- 21 another judicial district or to seek dismissal of action(s) filed in this district.

22 Dated: August 19, 2016

23 MCCUNE WRIGHT LLP

24 HAGENS BERMAN SOBOL SHAPIRO LLP

25 /s/ Richard D. McCune

26 /s/ Shana E. Scarlett

27 Richard D. McCune (SBN 132124)

28 Shana E. Scarlett (SBN 217895)

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

Attorney for Plaintiffs M.P.B. and R.G.

Attorney for Plaintiff Brian Maltese

GIRARD GIBBS LLP

KAPLAN FOX & KILSHEIMER LLP

/s/ Eric H. Gibbs

/s/ Laurence D. King

Eric H. Gibbs (SBN 178658)

Laurence D. King (SBN 206423)

Attorney for Plaintiffs C.M. and S.G.

Attorney for Plaintiff Bobbie Brown

KELLER ROHRBACK LLP

WILKINSON WALSH + ESKOVITZ LLP

/s/ Jeffrey Lewis

/s/ Sean Eskovitz

Jeffrey Lewis (SBN 66587)

Sean Eskovitz (SBN 241877)

Attorney for Plaintiff L.M.

Attorney for Defendant Theranos, Inc.

WEIL GOTSHAL & MANGES LLP

/s/ Diane P. Sullivan

Diane P. Sullivan (admitted *pro hac vice*)

/s/ David R. Singh

David R. Singh (SBN 300840)

Attorneys for Walgreens Boots Alliance, Inc.

Pursuant to General Order No. 45 Section X(B), all signatories concur in filing this stipulation.

Dated: August 19, 2016

By: /s/ Sean Eskovitz

Sean Eskovitz (SBN 241877)

Attorney for Defendant Theranos, Inc.

STIPULATION AND [PROPOSED] ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.P.B., *on behalf of himself and all
others similarly situated,*

Plaintiff,

v.

THERANOS, INC., and DOES 1
through 10, inclusive,

Defendants.

Case No. 4:16-cv-02810-YGR

[PROPOSED] ORDER

R.G., *on behalf of himself and all
others similarly situated,*

Plaintiff,

v.

THERANOS, INC., WALGREENS
BOOTS ALLIANCE, INC. and
DOES 1 through 10, inclusive,

Defendants.

Case No. 4:16-cv-02891-YGR

C.M. and S.G., *on behalf of themselves
and all others similarly situated,*

Plaintiffs,

v.

THERANOS, INC. and WALGREENS
BOOTS ALLIANCE, INC.,

Defendants.

Case No. 4:16-cv-03349-YGR

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

BRIAN MALTESE, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THERANOS, INC.

Defendant.

Case No. 4:16-cv-03418-YGR

BOBBIE BROWN, *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THERANOS, INC.

Defendant.

Case No. 4:16-cv-03454-YGR

L.M., *individually and on behalf of all others similarly situated,*

Plaintiff,

v.

THERANOS, INC. and WALGREENS
BOOTS ALLIANCE, INC.,

Defendants.

Case No. 4:16-cv-3571-YGR

The Court finds that the six above-captioned cases (*M.P.B. v. Theranos, Inc.*; *R.G. v. Theranos, Inc., et al.*; *C.M., et al. v. Theranos, Inc., et al.*; *Maltese v. Theranos, Inc.*; *Brown v. Theranos, Inc.*; and *L.M. v. Theranos, Inc., et al.*) are based on similar factual allegations and legal claims, such that consolidation will save time and effort. The Court therefore **ORDERS** the above-captioned cases consolidated pursuant to Federal Rule of Civil Procedure 42.

The Court further **ORDERS**:

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

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1. The lowest numbered case, Case No. 4:16-cv-02810, shall be restyled *In re Theranos, Inc. Consumer Litigation* and serve as the lead case for filing purposes. The parties shall file all documents in the docket of that case. Filed documents shall bear the following caption:

IN RE THERANOS, INC. CONSUMER LITIGATION

Case No. 4:16-cv-02810-YGR

1. Within forty-five (45) days of the parties' Stipulation, Plaintiffs shall file either:
 - a. a joint motion for appointment of Interim Class Counsel and a leadership structure under Fed. R. Civ. P. 23(g)(3); or
 - b. if Plaintiffs are unable to agree on Interim Class Counsel and a leadership structure, individual Rule 23(g)(3) motions, such motions not to exceed five pages, excluding exhibits.
2. Plaintiffs shall file a Consolidated Amended Complaint within thirty days after the Court appoints Interim Class Counsel; and
3. Theranos and Walgreens shall answer or otherwise respond to the Consolidated Amended Complaint no more than forty-five days after Plaintiffs file the Consolidated Amended Complaint, and need not answer or respond to any earlier-filed complaint in the consolidated cases.
4. The Initial Case Management Conference, which is currently set for September 26, 2016, shall be rescheduled for _____, 2016 at _____m.
5. Any other actions asserting claims that are the same as or similar to the claims asserted in the above-captioned cases, subsequently filed in, or transferred to, this District shall be consolidated with this action for all purposes.
6. No portion of this Order may be used in any way in support of class certification.

STIPULATION AND [PROPOSED] ORDER

Case Nos. 4:16-cv-02810-YGR, 4:16-cv-02891-YGR, 4:16-cv-03349-YGR,
4:16-cv-03418-YGR, 4:16-cv-03454-YGR, 4:16-cv-03571-YGR

1
2 7. This Order is entered without prejudice to the rights of any party to seek transfer to
3 another judicial district or to seek dismissal of action(s) filed in this district.
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5 **IT IS SO ORDERED.**

6 Dated: _____

7 _____
8 Yvonne Gonzalez Rogers
9 United States District Judge
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